



# REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

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915 I Street, Sacramento, CA 95814-2671

**STAFF REPORT**  
**April 21, 2009**

Honorable Members of the  
Law and Legislation Committee

**Title: Legislation Position: Support if Amended AB 1312 Relating to Defibrillators  
in Golf Courses and Amusement Parks**

**Location/Council District:** Citywide

**Recommendation:** Staff recommends that the Law and Legislation Committee adopt a support if amended position on AB 1312.

**Contact:** Russ Haynes, Analyst, (916) 808-7360

**Presenters:** Russ Haynes, Analyst; Rebecca Bitter, Program Manager; Doug Parker, Golf Manager

**Department:** Convention, Culture and Leisure Department

**Division:** Administration, Golf

**Organization No:** 17000

## **Description/Analysis**

**Issue:** Assembly Bill 1312, authored by Assembly Member Sandre R. Swanson, (D, 16, Alameda) would require every health studio, golf course and amusement park to acquire an automatic external defibrillator (AED), and, provides immunity for use or nonuse.

Existing law, until July 1, 2012, requires every health studio, as defined, to acquire an automatic external defibrillator, provides immunity for use or nonuse of the devices, except as specified, and establishes standards for the devices, except as specified, and establishes standards for the devices, including, but not limited to, maintenance and staff training regarding proper use.

This bill would delete that date thereby extending these requirements to health studios indefinitely. The bill would also, beginning July 1, 2010, apply these

requirements and this immunity to golf courses and amusement parks, as defined.

While staff supports the concept of requiring golf courses and amusement park facilities to have automatic defibrillators and trained personnel on-site, a key component regarding record keeping is missing. Specifically, the bill requires the defibrillators to be checked every 30 days, and records kept for each of those inspections. The bill is silent on how long to keep these records resulting in the assumption of perpetuity. This is a burdensome requirement without any apparent benefit.

Staff recommends that the bill be amended to include language reflecting the records be kept for a period of two years. This would allow reasonable availability for a review, if necessary, while eliminating excessive record retention costs.

**Policy Considerations:** If amended, this bill would be consistent with City's Mission and Core Values.

**Environmental Considerations:** None.

**Committee/Commission Action:** None.

**Rationale for Recommendation:** Staff supports the concept of requiring golf courses and amusement park facilities to have automatic external defibrillators and trained personnel on-site. These facilities typically host large numbers of people – many at high risk. According to the American Heart Association, for every minute that passes without defibrillation, the victim's chance of survival drops by about 7-10 percent. City Convention, Culture and Leisure staff recommends support of AB 1312 if it is amended to include a two-year record retention limit.

**Financial Considerations:** Automatic external defibrillators cost between \$1,500 and \$2,000 each. Training is approximately \$55 per employee and is combined with Adult/Child CPR training. Clearly, the benefit far exceeds the minimal costs.

**Emerging Small Business Development (ESBD):** None

April 21, 2009

Respectfully Submitted by:   
Russ Haynes  
Analyst

Approved by:   
Barbara E. Bonebrake  
Director

Recommendation Approved:

  
Patti Bisharat  
Director of Governmental Affairs

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April 21, 2009

**Attachment 1 - Draft Letter of Support**

April 21, 2009

Assembly Member Swanson  
State Capitol  
P.O. Box 942849  
Sacramento, CA 94249-0028

**RE: Support AB 1312 if Amended - Support if Amended AB 1312 Relating to  
Defibrillators in Golf Courses and Amusement Parks**

Assembly Member Swanson:

On behalf of the City of Sacramento, I am writing to inform you that we have taken a support if amended position for AB 1312 relating to defibrillators.

While we support and appreciate the intent of this bill, our concern is that the language in the bill is not adequately clear for us to determine whether Sacramento, or other jurisdictions, would incur significant record retention costs. As the bill is currently written, it would require golf courses and amusement park operators, which includes the City of Sacramento, to perform readiness checks of the defibrillators after every use, and at least once every 30 days. Additionally, the bill, as currently written, would require records of these checks to be maintained. However, the bill is silent on how long to keep these records resulting in the assumption of perpetuity. This is a burdensome requirement without any apparent benefit.

We recommend that the bill be amended to include language reflecting the records be kept for a period of two years. This would allow reasonable availability for a review, if necessary, while eliminating excessive record retention costs.

Thank you for introducing this important piece of legislation. Please consider our suggested amendments.

Sincerely,

Sandy Sheedy, Chair  
Law and Legislation Committee

Cc: Mayor Johnson and Members of the City Council  
Members and Consultant, Senate Local Government Committee  
Members and Consultant, Senate Transportation and Housing Committee  
David Jones, Emanuels and Jones and Associates

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1312

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Introduced by Assembly Member Swanson

February 27, 2009

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An act to amend Section 104113 of the Health and Safety Code, relating to defibrillators.

LEGISLATIVE COUNSEL'S DIGEST

AB 1312, as introduced, Swanson. Defibrillators.

Existing law, until July 1, 2012, requires every health studio, as defined, to acquire an automatic external defibrillator, provides immunity for use or nonuse of the devices, except as specified, and establishes standards for the devices, including, but not limited to, maintenance and staff training regarding proper use.

This bill would delete that date thereby extending these requirements to health studios indefinitely. The bill would also, beginning July 1, 2010, apply these requirements and this immunity to golf courses and amusement parks, as defined.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 104113 of the Health and Safety Code
- 2 is amended to read:
- 3 104113. (a) (1) Commencing July 1, 2007, every health studio,
- 4 as defined in subdivision (g) shall acquire an automatic external
- 5 defibrillator. ~~The requirement to acquire an automatic external~~

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1 ~~defibrillator pursuant to this subdivision shall terminate on July~~  
2 ~~1, 2012.~~

3 (2) Commencing July 1, 2007, ~~and until July 1, 2012,~~ every  
4 health studio, as defined in subdivision (g), shall maintain, and  
5 train personnel in the use of, any automatic external defibrillator  
6 acquired pursuant to paragraph (1).

7 ~~(3) On or after July 1, 2012, a health studio that elects to~~  
8 ~~continue the installation of an automatic external defibrillator that~~  
9 ~~was acquired pursuant to paragraph (1) shall maintain and train~~  
10 ~~personnel in the use of an automatic external defibrillator pursuant~~  
11 ~~to this section, and shall not be liable for civil damages resulting~~  
12 ~~from the use, attempted use, or nonuse of an automatic external~~  
13 ~~defibrillator as provided by this section.~~

14 (3) Commencing July 1, 2010, every amusement park, as defined  
15 in subdivision (g), and every golf course shall acquire an automatic  
16 external defibrillator and shall maintain, and train personnel in  
17 the use of, the automatic external defibrillator acquired pursuant  
18 to this paragraph.

19 (b) An employee of ~~a~~ an amusement park, golf course, or health  
20 studio who renders emergency care or treatment is not liable for  
21 civil damages resulting from the use, attempted use, or nonuse of  
22 an automatic external defibrillator, except as provided in  
23 subdivision (f).

24 (c) When an employee uses, does not use, or attempts to use,  
25 an automatic external defibrillator consistent with the requirements  
26 of this section to render emergency care or treatment, the members  
27 of the board of directors of the facility shall not be liable for civil  
28 damages resulting from any act or omission in rendering the  
29 emergency care or treatment, including the use or nonuse of an  
30 automatic external defibrillator, except as provided in subdivision  
31 (f).

32 (d) Except as provided in subdivision (f), when an employee of  
33 a an amusement park, golf course, or health studio renders  
34 emergency care or treatment using an automatic external  
35 defibrillator, the owners, managers, employees, or otherwise  
36 responsible authorities of the facility shall not be liable for civil  
37 damages resulting from any act or omission in the course of  
38 rendering that emergency care or treatment, provided that the  
39 facility fully complies with subdivision (e).

1 (e) Notwithstanding Section 1797.196, in order to ensure public  
2 safety, ~~a~~ *an amusement park, golf course, or health studio* shall  
3 do all of the following:

4 (1) Comply with all regulations governing the placement of an  
5 automatic external defibrillator.

6 (2) Ensure all of the following:

7 (A) The automatic external defibrillator is maintained and  
8 regularly tested according to the operation and maintenance  
9 guidelines set forth by the manufacturer, the American Heart  
10 Association, or the American Red Cross, and according to any  
11 applicable rules and regulations set forth by the governmental  
12 authority under the federal Food and Drug Administration and any  
13 other applicable state and federal authority.

14 (B) The automatic external defibrillator is checked for readiness  
15 after each use and at least once every 30 days if the automatic  
16 external defibrillator has not been used in the preceding 30 days.  
17 Records of these checks shall be maintained.

18 (C) Any person who renders emergency care or treatment on a  
19 person in cardiac arrest by using an automatic external defibrillator  
20 activates the emergency medical services system as soon as  
21 possible, and reports any use of the automatic external defibrillator  
22 to the licensed physician and to the local EMS agency.

23 (D) For every automatic external defibrillator unit acquired, up  
24 to five units, no less than one employee per automatic external  
25 defibrillator unit shall complete a training course in  
26 cardiopulmonary resuscitation and automatic external defibrillator  
27 use that complies with the regulations adopted by the Emergency  
28 Medical Services Authority and the standards of the American  
29 Heart Association or the American Red Cross. After the first five  
30 automatic external defibrillator units are acquired, for each  
31 additional five automatic external defibrillator units acquired, a  
32 minimum of one employee shall be trained beginning with the first  
33 additional automatic external defibrillator unit acquired. Acquirers  
34 of automatic external defibrillator units shall have trained  
35 employees who should be available to respond to an emergency  
36 that may involve the use of an automatic external defibrillator unit  
37 during normal operating hours. Acquirers of automatic external  
38 defibrillator units may need to train additional employees to assure  
39 that a trained employee is available at all times.

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1 (E) There is a written plan that exists that describes the  
2 procedures to be followed in the event of an emergency that may  
3 involve the use of an automatic external defibrillator, to ensure  
4 compliance with the requirements of this section. The written plan  
5 shall include, but not be limited to, immediate notification of 911  
6 and trained office personnel at the start of automatic external  
7 defibrillator procedures.

8 (f) Subdivisions (b), (c), and (d) do not apply in the case of  
9 personal injury or wrongful death that results from gross negligence  
10 or willful or wanton misconduct on the part of the person who  
11 uses, attempts to use, or maliciously fails to use an automatic  
12 external defibrillator to render emergency care or treatment.

13 (g) For purposes of this section, ~~“health section”~~ *health section*:

14 (1) *“Amusement park” means any area where amusement park*  
15 *rides are inspected pursuant to Part 8.1 (commencing with Section*  
16 *7920) of Division 5 of the Labor Code.*

17 (2) *“Health studio” means any facility permitting the use of its*  
18 *facilities and equipment or access to its facilities and equipment,*  
19 *to individuals or groups for physical exercise, body building,*  
20 *reducing, figure development, fitness training, or any other similar*  
21 *purpose, on a membership basis. “Health studio” does not include*  
22 *any hotel or similar business that offers fitness facilities to its*  
23 *registered guests for a fee or as part of the hotel charges.*

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